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FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,
Plaintiff,
v.
STEVE SURAJ VACHANI,
Defendant.

Case No. 3:17-cv-03184-JST

Related with

Case No. 5:08-cv-05780-LHK

**NOTICE OF RELATED CASES (AND
REQUEST TO REASSIGN)**

1 **PLEASE TAKE NOTICE** that the above-captioned civil action filed originally in the
2 Bankruptcy Court for the Northern District of California by plaintiff Facebook, Inc. (“Facebook”) is,
3 within the meaning of Civil Local Rule 3-12, related to *Facebook, Inc. v. Power Ventures, Inc., et*
4 *al.*, Case No. 5:08-cv-05780 LHK, assigned to the Honorable Lucy H. Koh in the San Jose Division.
5 Facebook hereby requests reassignment of this action to Judge Koh due to her case being the first-
6 filed, the close relationship between the actions, and the significant efficiencies that would be served
7 by such reassignment.

8 The Motion to Withdraw the Reference in the above-captioned bankruptcy adversary action
9 was identified in its caption as being related to *Facebook, Inc. v. Power Ventures, Inc., et al.*, Case
10 No. 5:08-cv-05780 LHK. That is because in this adversary proceeding, Facebook seeks a
11 determination that its claim against defendant and debtor Steven Suraj Vachani (“Vachani”) is not
12 discharged in his bankruptcy. That claim is based *entirely* on a judgment already entered by Judge
13 Koh on May 2, 2017 against Vachani and his co-defendant, Power Ventures, Inc. (“Power”) in
14 *Facebook, Inc. v. Power Ventures, Inc., et al.*, Case No. 5:08-cv-05780 LHK, as a result of the
15 Defendants having been found to have violated the Computer Fraud and Abuse Act (“CFAA”), and
16 California Penal Code Section 502. This adversary proceeding will require application of the
17 principles of issue preclusion for resolution. That would be best done by Judge Koh, the District
18 Judge who issued the CFAA and Penal Code Section 502 judgment. Also, any appeal of the
19 determination by the Bankruptcy Court of the dischargeability issue would be taken to Judge Koh, as
20 she is the same District Judge who issued the underlying judgment. Judge Koh also has pending
21 before her post-Judgment motions for contempt, for attorney’s fees, and a bill of costs that will
22 impact the bankruptcy proceeding. It is likely that there will be an unduly burdensome duplication
23 of labor and expense, and a potential for conflicting results if the cases are conducted before
24 different Judges.

1 Dated: June 8, 2017

Respectfully Submitted,

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3 By: I. NEEL CHATTERJEE

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